

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4873 OF 2019

State of Maharashtra and Others ... Petitioners

versus

Shri. Shishir Madhav Govande ... Respondent

.....

Mr.N.C.Walimbe, Addl. GP for the Petitioners- State.

.....

**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 29 NOVEMBER 2023

P.C.:

Heard the learned AGP.

2. The State has challenged the order dated 23 August 2017 passed by the Maharashtra Administrative Tribunal (the Tribunal), Mumbai granting interim relief pending Original Application No. 1172 of 2016 filed by the Respondent. The petition was filed on 11 September 2018 almost a year after the impugned order was passed and thereafter it has remained pending, without it being circulated, and it has come up in regular course.

3. The learned AGP states that he is not aware as to whether the Original Application has been disposed of or otherwise.

4. Even otherwise having perused the impugned order, we do not find any case for interference. The Tribunal has found that *prima facie* case was made out by the Respondent and has granted interim relief. As regards stay of the enquiry pending hearing of the Original Application is concerned, the stay has now been effectively continued for six years. Considering this position and the manner in which the petition is presented and prosecuted and that interim relief has continued for six years, we do not find any warrant to set aside the impugned order at this stage.

5. It is open to the Petitioners-State, if so advised, to make a request to the Tribunal for taking up the Original Application for early disposal, if not already disposed of.

6. The writ petition is accordingly disposed of.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)